

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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TAMEKA SIMMONS,

10cv8990 (JSR) (RLE)

Plaintiff,

v.

DEFENDANT'S NOTICE OF MOTION

AKIN GUMP STRAUSS HAUER & FELD LLP,

Defendant.

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Rule 56.1 Statement, Declaration of Christine Nicolaides Kearns and exhibits thereto, Declaration of Prakash Mehta, Declaration of Robert Paulson and exhibits thereto, and Declaration of Michelle Hsu, Defendant Akin Gump Strauss Hauer & Feld LLP ("Akin Gump") by and through its undersigned counsel, will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment on Akin Gump's behalf on Plaintiff's race discrimination claims pursuant to Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; the New York State Human Rights Law, Executive Law § 296 *et seq.*; and the Administrative Code of the City of New York § 8-101 *et seq.* (Counts I, III, V, and VII of the Amended Complaint) and Plaintiff's claim pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §2601 *et seq.* (Count IX of the Amended

Complaint)¹ for the reasons set forth in the accompanying memorandum, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Civil Case Management Plan entered in this case, the briefing and argument schedule for this Motion as follows:

April 25, 2011 Plaintiff's Opposition

May 2, 2011 Defendant's Reply

May 9, 2011 4:00 p.m. Oral Argument

/s/ Christine Nicolaides Kearns

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¹ The Court dismissed Plaintiff's retaliation claims pursuant to Section 1981 of the Civil Rights Act of 1866, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the Administrative Code of the City of New York (Counts II, IV, VI, and VIII of the Amended Complaint) on February 2, 2011.